

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

HAYWARD UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2015080699

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On August 18, 2015, Student filed a Due Process Hearing Request (complaint) with the Office of Administrative Hearings, naming Hayward Unified School District. On January 26, 2016, Student filed a Motion to Amend the Due Process Hearing Request (amended complaint). On January 27, 2016, Hayward filed a document with OAH indicating that it was not opposed to Student's motion.

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to the due process hearing. (20 U.S.C. §1415(c)(2)(E)(i).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

Although Student's amended complaint is not timely, Hayward consented in writing to the filing of Student's amended complaint and will be provided the opportunity to resolve the amended complaint through a resolution session. Therefore, Student's motion to amend the complaint is granted. The amended complaint shall be deemed filed on the date of this order. All applicable timelines shall be reset as of the date of this order. OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

DATE: January 27, 2016

/s/

B. ANDREA MILES
Administrative Law Judge
Office of Administrative Hearings